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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,615	04/06/2001	William C. Olson	64672/JPW/SHS/NS	5850

7590

09/09/2003

Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

STUCKER, JEFFREY J

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 09/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

RESPONSE.

run 6 months or continues to run \_\_\_\_\_ from the date of the final rejection

months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event, will the statutory period for the response expire later than six months from the date of the final rejection.

of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date of the response, the petition, and the fee have been filed is the date of the response and also the date for determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.136(b) must be filed from the date of the originally set shortened statutory period for response or as set forth in b) above.

due in accordance with 37 CFR 1.192(a).

to the final rejection, filed \_\_\_\_\_ has been considered with the following effect, but it is not deemed to be in condition for allowance:

amendments to the claim and/or specification will not be entered and the final rejection stands because:

no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier

new issues that would require further consideration and/or search. (See Note).

the issue of new matter. (See Note).

not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for

sent additional claims without cancelling a corresponding number of finally rejected claims.

or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling \_\_\_\_\_ claims.

on appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will

o: 1-22

r; response has overcome the following rejection(s): \_\_\_\_\_

bit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_

hibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier

correction ☐ has ☐ has not been approved by the examiner.

This Advisory Action is in response to the Response to Final Rejection filed 8/25/03.

The rejection of claims 1-22 under 35 U.S.C. § 103(a) as obvious over Vila-Coro et al. (PNAS 3/00) is maintained.

Applicant's arguments have been fully considered but are not deemed to be persuasive. Applicant argues in regards to proposed new claim 23 that the Vila-Coro reference describes a prophylactic treatment which involves treating a group of SCID mice prior to infection and viral steady-state whereas the proposed new claim 23 specifically recites treatment solely after a viral steady state is reached. Applicant points to Poignard and Gauduin to show that antibodies may be useful in preventing infection while providing a limited degree of protection, or none at all, when administered after infection has taken place. Applicant notes that Poignard disclosed the use of MAb b12 purportedly disclosed for use in the Vila-Coro reference. Gauduin also teaches the use of this same MAb. Applicant argues that these references indicate that the antibody is effective only when it is administered no more than several hours after viral exposure.

Applicant's comments concerning the b12 MAb are not understood nor convincing because the antibody of Poignard and Gauduin is directed to an epitope of HIV gp120 (Gauduin, p. 1389, last

paragraph of the second column), not an epitope of chemokines as in the instant claims and Vila-Coro. Therefore, these comments are not relevant to the rejection.

Applicant reiterates previously proffered arguments at the bottom of page 22 bridging to the top of page 23. These are not convincing for reasons of record.

The arguments concerning new claim 24 were reviewed but are not persuasive at this point as the claim brings in a new limitation after final rejection. Specifically, the limitation of inhibiting binding of HIV-1<sub>JR-FL</sub> gp120 to CCR5 raises new issues that would require further consideration and search as these limitations have not been previously presented or considered.

Thus, the proposed new claims will not be entered and the instant invention is still considered to be obvious over Vila-Coro et al.

No claims are allowed.

Papers related this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989).

The Group 1600 Fax numbers are: (703) 308-4242 and (703) 305-3014.

Unofficial communications may be faxed to: (703) 308-4426.

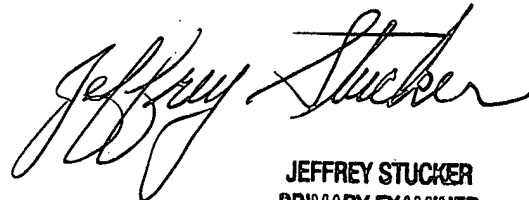
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Stucker whose telephone number is (703) 308-4237. The examiner can normally be reached Monday to Thursday from 7:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center Customer Service representative whose telephone number is (703) 308-0198.



JEFFREY STUCKER  
PRIMARY EXAMINER